(1)

Supreme Court, U.S.
FILED

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NO. 02-1325

IN THE

SUPREME COURT OF THE UNITED STATES

MAY TERM, 2003

AISHA KELLY

PETITIONER,

VS.

MEDICAL COLLEGE OF OHIO, AND

DEB HEINEMAN, M.A., M. ED., DIRECTOR, STUDENT SERVICES AND FINANCIAL AID,

MEDICAL COLLEGE OF OHIO, AND DR. ROBERT CRISSMAN, PROFESSOR OF MICROANATOMY, MEDICAL COLLEGE OF OHIO,

RESPONDENTS.

PETITIONER'S PETITION ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR SIXTH CIRCUIT

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36 pp

STATEMENT OF ISSUES PRESENTED FOR REVIEW

1. When during a school year a husband leaves his wife, a medical student, and their daughter has serious medical problems and disabilities which necessitate at times an individual babysitter, so that the Mother needs to borrow more money so the Mother can afford the childcare so the mother can attend classes, exams, and study, so as to have at least something closer to an equal amount to study and pursue educational opportunities like the male students, but the Medical College deliberately and intentionally through arbitrary, discriminatory rulings refuses to loan, just like it refused many, many, other similar Mothers at The Medical College, her the money so the Mother can hire a babysitter, and more fairly have the opportunity to learn, like the male students, is such discrimination which so denies the Mother an equal opportunity toward an education, a discrimination violation for sex under Title IX?

2. In the above scenario, is there need for clarification and judicial holding that

under Title IX and the related anti-sex discrimination statutes, that individuals are legally liable for violations of such statutory duties, as held so effectively in Hafer v. Melo, 502 US 21, (1991) where this court held state individuals, other than governors, judges, and prosecuting attorneys, may be liable individually for violations of Title 42, Section 1983, when now in several Circuit Courts of Appeal of the 11th, 8th, 7th, 6th and 2nd circuits have held: "...because they are not grant recipients school officials may not be sued in their individual capacity" under Title IX, but there is broad division in the District Courts?

3. Also in the above scenario, is the Plaintiff bound to allege that her actions under Title IX is brought individually against the individual defendants, even though that allegation is not necessary to provide jurisdiction under Rule 17(b)?

4. In the above scenario, have Defendants denied Plaintiff the equal protection

of the law in Defendants by their intentional and deliberate indifferent acts and omissions have caused a disparate impact on Plaintiff and the other Mothers by denying them an equal opportunity to study, attend classes and exams, in very great and substantial numbers, when in fact there was not even one single male parent present with childcare problems, and Defendants acted either intentionally or with deliberate disregard and marked disregard of the childcare needs of the single mother medical students?

5. In the above scenario have Defendants denied Plaintiff the equal protection of the laws by denying Plaintiff and women an equal opportunity to become doctors?

6. In a case with the above scenario, should the Court grant full Discovery, so al the relevant points, fully known to the Defendant Medical College, be brought to

light, and thereby the Court can come closer to identifying the issues in academia and also to see how complex, comprehensible; or simple, in truth, that the issues actually are?

7. In the above scenario, where the Mother, who has made A's and B's through her undergraduate classes, timely and regularly files and makes an Appeal claiming that when her written answers are fairly graded that she will have a higher than passing grade, but the Professor of Microanatomy, refuses to consider one page of her Answers, because she wrote them on a different part of the page than he claims he instructed, and the Mother also claims that her Answers deserve a passing grade if viewed objectively by any competent Professor or Instructor in Microanatomy; is the Mother entitled to a judicial review where her answers can be

judged, by using other Microanatomy Professors, by comparing her answers with what is stated in the textbook prescribed by the Professor? And if so, what are the guidelines as to what constitutes arbitrary, capricious, fair and objective consideration by the Professor? Are such issues any more complex than the complex issues commonly handled by Courts through expert witnesses in complex product liability, environmental disputes, or medical malpractice?

8. What are the proper rules for determining a Motion For A Temporary Restraining Order, where the Plaintiff is near destitute, and can lose her only real opportunity to become a doctor, as her father and mother were in their active days?

9. Would Justice and respect for the United States Court's System be advanced if the United States Supreme Court made clear that every Judge in the United States in

making and writing their decisions and opinions, should state all the relevant facts, Pro and Con, up for consideration, and in their Rulings by increments, should quote "Chapter and Verse" from the precedents, to assure all that each Judge was free from prejudice, partisanship, or special interest favor. Conclusory statements of facts, and Law, should be condemned, and each offender informed that sanctions of some form would be imposed by the Courts on each Judge so offending.

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STATEMENT OF BASIS OF JURISDICTION

This Petition For Writ of Certiorari is timely filed by being mailed in the U.S. Mail on December 4, 2002, from the Order, filed September 5, 2002, of the Sixth Circuit Court of Appeals which denied Petitioner's timely filed Petition For Re-Hearing En Banc, and Petition For Re-Hearing, for the Opinion and Judgment Entry, filed September 5, 2002, Affirming the Dismissal of the Action by the U.S.District Court, by Judgment Entry entered on October 23, 2000, and also in compliance with the letters from the Clerk.

On January 30, 2001, the U.S. District Court, Northern District of Ohio, Western Division, entered it's Final Judgment, and a timely Notice of Appeal had been filed on November 22, 2000. The U.S. District Court had filed its Order Dismissing the Action on October 23, 2000, and Plaintiff had

timely filed on Monday, November 6, 2000, it's PLAINTIFF'S MOTION TO MODIFY COURT'S ORDER AND JUDGMENT OF OCTOBER 23, 2000, MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT AND FOR ORAL HEARING. Then, thereafter Plaintiff filed her Notice of Appeal on November 22, 2000, and thus this Petition is timely before the Supreme Court of the United States, and Jurisdiction for this Petition is based on 28 U.S.C. Section 1254.

JURISDICTION FOR THIS APPEAL

Jurisdiction for this Appeal is given by 28 U.S.C. 1254.

CONSTITUTIONAL AND STATUTORY PARTS HERE RELEVANT.

AMENDMENT XIV

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive

any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

TITLE 42, SECTION 1983 is typed at Page 28 of Appendix. The Statute often referred to as Title IX, in parts here relevant:

"20 USCS 1681, Sex. In parts here material reads:

"§1681. Sex
(a) Prohibition against discrimination, exceptions. No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance, except that:

(1) Classes of educational institution subject to prohibition, in regard to admissions to educational institutions, this section shall apply only to institutions of vocational education, professional education, and graduate higher education, and to public institutions of undergraduate higher education"

In the "Women's Educational Act of 1994", 20 USCS 7232, in part reads:

"§7232. Statement of purposes. It is the purpose of this part -- (1) to promote gender equity in education in the United States; (2) to provide financial assistance to enable educational agencies and institutions to meet the requirements of

the Title IX of the Educational Amendments of 1972 (20 U.S.C.A. §1681 et seq.); and (3) to promote equity in education for women and girls who suffer from multiple forms of discrimination based on sex, race, ethnic origin, limited-English proficiency, disability, or age." (Underscoring Counsel's)

In West's Federal Statutes, Title 42, Paragraph 2000 d-7 reads:

"42 §2000d-7 CIVIL RIGHTS CH. 21

(a) General provision

(1) A state shall not be immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal court for a violation of section 504 of the Rehabilitation Act of 1973 (29 U.S.C.A. §794), title IX of the Education Amendments of 1972 (20 U.S.C.A. §1681 et seq.), the Age Discrimination Act of 1975 (42 U.S.C.A. §6101 et seq.), title VI of the Civil Rights of 1964 (42 U.S.C.A. §2000d et seq.), or the provision of any other Federal Statute prohibiting discrimination by recipients of Federal financial assistance.

(2) In a suit against a State for a violation of a statute referred to in paragraph (1), remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public or private entity other than a State.

(b) Effective date

The provisions of subsection (a) of this section shall take effect with respect to violations that occur in whole or in part after October 21, 1986.

(Pub.L. 99-506, Title X, §1003, Oct. 21, 1986, 100 Stat. 1845.)"

STATEMENT OF THE CASE

The Complaint, was timely filed in the U.S. District Court, N.D. of Ohio, W.D. on July 14, 2000, numbered 3:00CV7423, against the Defendant Medical College of Ohio, a State established and operated Corporation of Ohio, Defendant Deb Heineman, Director, Student Services and Financial Aid, Defendant Dr. Robert Crissman, Professor of Microanatomy, and the U.S. Department of Education, Ohio Department of Education was dropped after the timely appeal to the United States Sixth Circuit Court of Appeals. The college Defendants were charged with disciminating for sex against Plaintiff Aisha Kelly for denying her equal access and opportunity to attend and study

for classes and exams, given male and other students, basically because Plaintiff Kelly was not loaned sufficient money so she could pay for baby and childcare for her daughter Arielle, born in 1995, so Plaintiff could have something closer to an equal opportunity had by male students, for study, attending class and labs, and exams. All other medical students put in, on the average, around 58 hours per week, just as Plaintiff needed but didn't have. If MCO had loaned her the money needed, Plaintiff would have successfully completed medical school.

Plaintiff could only, after her husband's departure, study, attend classes, labs, and exams, only when Plaintiff had a babysitter, or study only when her daughter was asleep. Plaintiff Kelly matriculated in 1995. After Plaintiff Kelly's husband, Damien Kelly, suddenly left Plaintiff in Feb-

ruary, 1996, Plaintiff was denied sufficient loans, to secure necessary child care for her daughter who had a widely medically recognized allergy disability, requiring the child to avoid care centers serving any wheat foods, so that Plaintiff, as any caring mother, was forced to secure individual child care, which cost more than Plaintiff had money to herself pay, as Plaintiff depended, as Plaintiff candidly and repeatedly informed MCO, after her husband's aforesaid departure on the loans available to medical students. Defendants MCO, Heineman, and Crissman, though repeatedly requested simply refused, to recognize the many difficulties, denying access to class, and this Action was brought, seeking needed and deserved relief, so that Plaintiff would have a closer equal opportunity at MCO as given men. Some Professors at MCO, so granted such adjustment in hours and

times as each could have done, and still maintained all academic standards.

Plaintiff sought a Temporary Restraining Order, which was heard by District Judge John W. Potter on August 16 and 17, 2000, and which was denied on August 17, 2001, without Opinion, and a Transcript was filed on September 7, 2000. On September 11, 2000, Plaintiff filed a Motion to grant, reconsider the Temporary Restraining Order, and make Rule 52 Findings, Entry 12, App. P. 134., asking for Discovery and a meeting with MCO Dean and Dr. Crissman, to see what were the real facts in controversy, as Dr. Crissman had corrected his mistakes on sufficient of Plaintiff's answers so she was up to roughly 69, and 70 was passing.

On August 16, 2000, the MCO Defendants filed a Motion To Dismiss, and denied and opposed all Discovery.

On August 16 and 17, 2000, Judge John W. Potter in effect ruled that unless a strong showing of probability of success was shown that no Temporary Restraining Order nor Preliminary Injunction should be granted. Plaintiff and her Counsel by "Motion to Grant, Reconsider, Temporary Restraining Order and Make Rule 52 Findings", filed August 21, 2000, claimed that Judge Potter's ruling was contrary to the Sixth Circuit Court of Appeal's holding in Roth v. Bank of The Commonwealth, 583 F.2d 527 (1978) where this Court held at Page 537:

> "In general, the likelihood of success that need be shows will vary inversely with the degree of injury the plaintiff will suffer absent an injunction." (Emphasis Counsel's)."

At the hearing on the Temporary Restraining Order, the MCO Defendants in part argued that no Titled IX Action could be brought against MCO, because such was an Action against the State, and cited, at Page 13 of

the Transcript of the Temporary Restraining Order Hearing, as a governing precedent Hall v. Medical College of Ohio, 742 F.2d 299, 233 (6th Cir. 1984).

Here this Counsel wishes to point out that while this Counsel did not know it then, the Sixth Circuit Court of Appeals held that a State school or college did not have immunity, in Franks v. Kentucky School of the Blind, 142 F.3d 360 (6th Cir., 1998), where the Court held at Page 363:

> ""Section 5 of the Fourteenth Amendment grants Congress the authority to enforce the Amendment's substantive provisions which proscribe, inter alia, gender discrimination in education. United States v. Virginia, 518 U.S. 515, 116 S.Ct. 2264, 135L.Ed.2d 735 (1996). Since Title IX also proscribes gender discrimination in education, it follows that Congress had the authority, pursuant to Section 5, to make Title IX applicable to the states. Doe, 138 F.3d at 659-60; Crawford, 109 F.3d at 1283.
>
> Therefore, since Congress made its intention to abrogate the states' Title IX immunity unmistakable clear, and it had the authority to do so pursuant to Section 5 of the Fourteenth Amendment, we hold that

> Congress successfully abrogated the states' Eleventh Amendment immunity from Title IX lawsuits. Doe, 138 F.3d at 649-60; see also Crawford, 109 F.3d at 1282-83.""

Neither opposing Counsel for MCO nor District Judge Carr, nor the Court of Appeals, have ever explained nor inquired why the Hall case, Supra, was so cited, and the Frank case, Supra, not mentioned.

At the Temporary Restraining Order Hearing, the main issue was that Defendants MCO and MCO Financial Aid Director, Deb Heineman had caused a "Red Flag" to be placed at the U.S. Regional Department of Education Office on Plaintiff Kelly's eligibility to get the U.S. Loans, so she could no longer attend MCO. MCO accomplished this by Defendant Heineman accusing, without cause, and without notice to Ms. Kelly, her of not attending classes, whereas in Truth Plaintiff Kelly had attended classes; as proved by Testimony of Plaintiff Kelly, and also a

student Witness Tricia LaBuda, Temporary Restraining Order Transcript 60, and Dr. Barry L. Richardson, Assistant Vice President for Multicultural Affairs; Temporary Restraining Order Transcript, P. 81, so that accusation against Plaintiff was proved groundless, and without Due Process, so that MCO bore the responsibility for raising that devastating "Red Flag" against Plaintiff Kelly.

MCO Respondents kept Petitioner "in the dark" after Petitioner proved, as were the facts, that Plaintiff had attended class. Not until U.S. Dept. of Ed. Attorney Holly Sydlow informed Petitioner's Counsel, that the Regional U.S. Department of Education Person, had ruled that the eligibility of Plaintiff for the education loans was determined, not by her, but by MCO. MCO and their Counsel knew this for a month or

more, but didn't inform Petitioner nor her Counsel.

Her Plaintiff and her Counsel include a reference to facts by MCO which we feel induces prejudice, and a hostile attitude, laying more groundwork for more anti-female discrimination. These facts were first disclosed by MCO when Dr. Patricia Metting on December 12, 2002, in a Court Hearing to determine whether the Medical College of Ohio had committed acts of a "malicious purpose", bad faith or reckless disregard of duty, and any one of such findings would allow Plaintiff to sue MCO for damages from various alleged wrongs. At that time, MCO, through Dr. Metting disclosed a memorandum, of 3 pages, introduced as "EXHIBIT A", wherein she had made notes when on December 11, 1996, Plaintiff's husband Damien Kelly, on his own, informed Dr. Metting, Student Affairs of several very damaging accusa-

tions, none of which were true, against Plaintiff including, (1) Plaintiff had entered another medical school, under another name; (2) Plaintiff had outstanding unpaid medical school loans; (3) and that Plaintiff had applied to the prior medical schools as a black student. Neither Dr. Metting nor any MCO officer ever told Plaintiff of these accusations, nor asked Plaintiff about these accusations. Previously to this lawsuit filed July 14, 2000, no one at MCO had ever disclosed these allegations to Plaintiff, but some of the accusations relate to the hostile and discriminatory steps taken by Defendant Deb Heineman, MCO Director, Student Services and Financial Aid, who administered the student loan program, and Defendant Heineman carried out the MCO policy that no female student would be allowed more than $75 per week for child care. Defendant Heine-

man felt justified in accusing Plaintiff of lies, similar to those disclosed by Plaintiff's husband to MCO Dr. Metting states above. These included: that Plaintiff hadn't graduated from Ohio State University, that Plaintiff provided false information to get student loans. See Paragraph 20-26 of the Complaint.

Further just to receive such false accusations, and then after MCO had made such investigations as MCO wanted preliminarily to do, MCO acted in a "outrageous" manner not telling Plaintiff of the allegations for Plaintiff's side. Plaintiff says flatly such accusations were simply false. Again, Plaintiff and her Counsel had been given permission and each separately had inspected Plaintiff's file, but there was no word of such allegations in such files, and Plaintiff and her Counsel first learned of such accusations on December 12, 2002 in

the State of Ohio Court of Claims. Such steps meant that Plaintiff was not given opportunity to clear her name as due process and basic fairness call for.

ARGUMENT

THE DISTRICT COURT AND THE CIRCUIT COURT OF APPEALS IN HOLDING THAT PLAINTIFF HAD NOT PLEADED A CAUSE FOR ACTION UNDER TITLE 20, SECTION 1689, SEX DISCRIMINATION, AND ALL OTHER RELEVANT STATUTES, BECAUSE TO DENY A FEMALE MEDICAL STUDENT MONEY FOR A BABY SITTER SO THE MOTHER HAS AN EQUAL OPPORTUNITY FOR A MEDICAL EDUCATION IS UNLAWFUL DISCRIMINATION FOR SEX.

Due to a combination of circumstances this Counsel is pressed for time of completion. The facts are well supported by the Record, and in law in principle by Davis v. Monroe County Board Of Education, 526 U.S. 143, (1999), where a Board of Education failed, though notified, to take steps to stop sexual harassment of a female student by a male student, was held discrimination for sex, because it denied the female an

equal opportunity to learn. So here.

No specific case directly in point has been found by anyone. In DeLaCruz v. Tormey, 582 F.2d 475, (9th Cir. 1978), a group of female students were held to be discriminated for sex, because the Board simply ignored, and did nothing, about various appeals to take steps to provide some babysitters.

At MCO, and, we claim, at all college schools, a substantial number of female students have problems securing adequate babysitters every year. Women have substantially more problems than men if there's no adequate babysitters, and of such the records abound.

In the cases, for sex discrimination, and providing equal protection of the Law, the numbers are counted in teams supported, facilities, dollars spent and the like.

For cases so holding, we cite:

Kelley v. Board of Trustees of University of Illinois, 832 F. Supp. 237 (C.D. Ill. 1993; Cohen v. Brown University, 991 F.2d 888 (1st Cir. 1993); Daniels v. School Board of Bevard County, Florida, 985 F.Supp. 1458 (M.D. Fla. 1997).

We claim denial of Equal Protection of the Law

The record herein bears out that denials of loan money for child care has prejudiced and denied Plaintiff and other females an equal opportunity to an MCO education given to the men. Also, Plaintiff has not found a single male father at MCO. In the District Court, on August 21, 2000, Plaintiff filed a motion asking Judge Potter to reconsider his denial of a Temporary Restraining Order, the motion being Titled, "MOTION TO GRANT, RECONSIDER, TEMPORARY RESTRAINING ORDER AND MAKE RULE 52 FINDINGS, Entry #12, App. P. 134, to which was at-

tached Plaintiff's statement, which on Page 2 stated in part:

> "Shannon Ellis and Andrea Goings were in the Women's Protest group to increase child care allowance in 1996 by asking Defendant Heineman:

Although it is conceivable that a male student could be a single custodial parent, I have not been able to locate such a student during the time of my enrollment at MCO. In any case, the burden of childcare falls exclusively to predominantly on women... When his children are ill, crabby, or bored, he can leave the house knowing his wife will care for, soothe, and entertain their children and he does not have to pay her to so do. The female medical student, on the other hand, must study AND care for the children. She is the one who stays up all night, sometimes the night before exams, with an ill child. She is the one who reads 'just one more book, mommy'."

Plaintiff swore, by her affidavit, that mothers at prior schools also had the same type child care problems, and needs for larger loans. There in, PLAINTIFF'S MOTION FOR LEAVE TO FILE INSTANTER FINAL RESPONSE TO DEFENDANT'S MOTIONS TO DISMISS filed September 22, 2000, Entry #27, App. 257 where her affidavit reads at Page 1:

"By way of contrast, there are many female medical students. Female medical students throughout our nation struggle with unequal conditions under which they must study, and the sharply conflicting demands a woman faces. A few of us at MCO are Shannon Ellis Regaa Ibrahim, Andrea Goings, and Charmaine Gutjhar. There are others whom I cannot identify without the class rosters from the various years. All of us have been the victims of financial aid policy and the personal antipathy of professors who simply refuse to accommodate the special schedule needs of female medical students with sole childcare responsibilities, problems of which I am aware because these individuals and others have spoken directly with me.

I want to make the additional point that the problem women students have in obtaining equal access to higher educational opportunities is NOT limited to MCO or even all medical schools. This is a problem faced by women students at TU and other universities as well. I am aware of TU, OSU, and TSU students having similar problems through my personal enrollment at these schools..."

Counsel closes Plaintiff's claim that she has been denied an opportunity to attend classes, exams, lab work, and to study, as has been given the male students, and thus, she has been denied an equal opportunity to

learn, as given realistically to the male students, and such is a denial of equal protections of the laws. Thus in Davis vs. Monroe, County Board of Education, 526 US 629, (1998), this Court stated in part at page 650:

> "The statute's other prohibitions, moreover, help give content to the term "discrimination" in this context. Students are not only protected from discrimination, but also specifically shielded from being "excluded from participation in" or "denied the benefits of" any "education program or activity receiving Federal financial assistance." §1681(a). The statute makes clear that, whatever else it prohibits, students must not be denied access to educational benefits and opportunities on the basis of gender. We thus conclude that funding recipients are properly held liable in damages only where they are deliberately indifferent to sexual harassment, of which they have actual knowledge, that is so severe, pervasive, and objectively offensive that it can be said to deprive the victims of access to the education opportunities or benefits provided by the school…."

ARGUMENT NO. 2

THE COURTS SHOULD HOLD COLLEGE PROFESSORS LIABLE WHEN SHOWN TO HAVE DENIED A STUDENT AN UNFAIR GRADE BECAUSE THE PROFESSORS WERE NOT OBJECTIVE, DENIED CHANGES

IN GRADE APPEALS NOT REQUIRED BY ACADEMIC STANDARDS, AND ACTED ARBITRARILY.

Discover was disallowed here. Unjust. Inequitable. When there's no dispute that Dr. Crissman on Petitioner's grade appeal on 35 answers, admitted 7, at least, were by mistake not given a passing grade, and the mistakes admitted, showed Petitioner was within .69 of 1 point from a passing grade. Discovery should have been allowed; and a meeting with Dr. Crissman and others needed to see what the real controversy was. Plaintiff claimed her written answers, could have been examined by Micro-anatomy Professors anywhere, and seen to be correct by the prescribed textbook, and by other proper academic medical standards

We claim support from Regents of University of Michigan v. Ewing, 474 US 214, making academic standards the guide against the arbitrary; and Sylvester v. Texas

Southern University, 957 US F. Supp 944, 946.

ARGUMENT NO. 3

THE DISTRICT COURT ERRED WHEN HOLDING TITLE IX DOES NOT MAKE INDIVIDUALS LIABLE FOR SEX DISCRIMINATION

See Doe v. Clairborne Tennessee, 103 F.3d, 495, 517. Petitioner's Counsel acknowledges that reportedly 5 or more Circuit Courts of Appeals have held that no individual may be held personally liable under Title IX, and related statutes. Thus in Bracey v. Buchanan, 55 F. Supp. 2d 416, (E.D. Va. 1999), the Court maintained on page 419 rulings by the Circuit Court of Appeals in the following circuits, 8th, 7th, 11th, 1st, and 6th. Petitioner and her Counsel claim that the better and proper interpretation of the relevant statues call for individuals to be held liable. 20 USCS 1681 provides in part:

"§1681. Sex

a. (Prohibition against discrimination, exceptions. No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance, except that:..."

Title 42, Section 1983 in its corresponding part provides:

"§1983. Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity..."

Since Section 1983 was held by this Court to place individual liability on any state officers or employee other than the Governor, any Prosecuting Attorney, in Hafer v. Melo, 502 US21 (1991), it seems to follow

that there should be personal liability for the individuals not absolutely privileged. So here, the deterrent principle is valid, works and should be employed in this scenario. With it, much good can, and will, be done, without, much good will be lost.

ARGUMENT NO. 4

PLAINTIFF STATED A CASE FOR WRONGFUL INTERFENENCE BY DEFENDANTS WITH PLAINTIFF'S CONTRACTUAL AND PROPERTY RIGHTS FROM HER ENROLLMENT AT MCO.

We cite Bleicher v. University of Cincinnati College of Medicine, (1992), 78 Ohio App.3d 362; Bell v. Horton, (1996), 113 V. Ohio App.3d 363, 365.

The Record below supports each point argued herein, and goes into more detail.

CONCLUSION

Fairly speaking, each woman, despite having born a son or daughter, is entitled to as many loans as needed for babysitters, so

she'll have the same opportunity to be a Doctor as do the male students.

This Counsel has been told by one National Women's group that if Jurisdiction is taken, they will file a Brief Amicus Curiae, and so will a host of others.

This Counsel asks his logic and citations to be challenged. At 87, this Counsel will submit an Oral and Written Argument on the merits in keeping with the graduates of the University of Virginia.

Petitioner asks for this Court to grant Certiorari.

Respectfully submitted,

John G. Rust, Petitioner's Attorney